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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,344	01/11/2002	Jakke Makela	4208-4044	7513

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EXAMINER

NGUYEN, TRONG NHAN P

ART UNIT PAPER NUMBER

2152

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/042,344	Applicant(s) MAKELA ET AL.	
	Examiner Jack P Nguyen	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 14-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 29-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/13/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is in response to Applicant's election filed on 4/1/05. Applicant provisionally elects group I (claims 1-13 and 29-42) for examination. Applicant has indicated that they reserve the right to file divisional applications based on any non-elected claims (14-28). Group I is now pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 10-13, 29-31, 33-34, and 38-42 are rejected under 35

U.S.C. 102(e) as being anticipated by Fishman et al, 6,871,236 (Fishman hereafter).

As per claim 1, Fishman teaches as system for portable networking of multi-user applications, comprising: at least one wireless terminal (274, fig. 2; mobile phone is a wireless terminal); and a portable server (250, fig. 2; mobile gateway is functionally equivalent as portable server) including a mass memory module to store and communicate data to said at least one wireless terminal (col. 7, lines 29-32; storage devices such as hard disk drive (32, fig. 2) and/or magnetic disk drive (28, fig. 2) store

program data used to communicate with wireless device); wherein a wireless protocol communicates the data between said server and said at least one wireless terminal via a wireless link (col. 8, lines 9-10; wireless gateway server (250, fig. 2) communicates wirelessly with mobile phone (274, fig. 2)).

As per claim 29, Fishman discloses the method for portable networking of multi-user application, comprising: storing multi-user data in the mass memory of portable server (col. 7, lines 29-32; col. 8, lines 9-10; wireless server stores and customizes email data for plurality of wireless clients); initiating wireless communication between said portable server and at least one wireless terminal device (col. 7, line 64 – col. 8, line 1; col. 8, lines 9-10; mobile gateway server establishes wireless communications with wireless clients); transmitting data stored in said mass memory to said wireless terminal device using a wireless protocol (col. 8, lines 9-11; col. 9, lines 26-27; wireless server sends customized email data to plurality of wireless clients); and executing of said multi-user data by said terminal device transmitted by said portable server (col. 11, lines 32-36; after receiving notification alert data from wireless server, mobile client uses the data to request additional data from server):

Claim 42 is rejected by similar rationale as claim 29.

As per claims 2 and 30, Fishman discloses the wireless terminal further comprises: a user interface that allows the user to request data from said mass memory module (col. 8, line 10; user interface such as a keypad or screen is an inherent component in a mobile phone device used to request data from server); a wireless communication interface for communicating data between said portable server and said

at least one wireless terminal (col. 8, line 10; wireless communication interface (antenna or wireless interface card) is an inherent component in a wireless device to communicate with wireless server); a buffer memory for storing instruction for executing the data received by said at least one wireless terminal (col. 8, line 10; storage memory is an inherent component in a wireless device for storing data received from mobile server); a processor in communication with said buffer memory for executing instruction stored in said buffer memory (col. 8, line 10; processor is an inherent component of a mobile device); and a display for viewing the data received from said portable server (col. 8, line 10; display is an inherent component of a mobile device).

As per claims 3 and 31, Fishman discloses server further comprises: a mass memory module for storing data used by said at least one wireless terminal (33, fig. 1; col. 7, lines 29-30; hard disk stores server data); a processor in communication with said mass memory module that executes requests for data by said at least one wireless terminal and locates data in said mass memory module (col. 7, line 1; processing unit processes all transactions in the server); and a wireless communication interface for communicating data between said mass memory module and said at least one wireless terminal (53, fig. 1, col. 7, line 66; mobile gateway has a wireless interface to communicate with wireless clients).

As per claims 6 and 34, Fishman teaches the system comprising an optional USB plug for connecting said server to a personal computer (col. 7, lines 41-42).

As per claims 10-11 and 38-39, Fishman teaches the terminal is a cellular telephone (col. 8, line 10); wherein said at least one wireless terminal device comprises

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a plurality of wireless terminals in communication with and receiving data from said portable server (col. 8, lines 9-11; col. 11, lines 1-5; second mobile gateway (279, fig. 2) is a wireless client of first mobile gateway (250, fig. 2); all mobile gateways have plurality of wireless clients).

As per claims 12-13 and 40-41, Fishman teaches mass memory is either a magnetic storage device (29, fig. 2; col. 7, lines 29-31); mass memory module is exchangeable (29, fig. 2; col. 7, lines 29-31; floppy disk drive is removable and/or exchangeable).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 and 35-37 rejected under 35 U.S.C. 103(a) as being unpatentable over Fishman.

As per claims 7-8 and 35-36, Fishman does not explicitly teach the system further includes optional plugs as data and power cables connection between said at least one wireless terminal and said server. Backup or redundancy is well known in the art to provide alternative means for devices to communicate with each other. Hence, it would have been obvious to one of ordinary skill in the art to provide alternative means for the wireless device to communicate directly to the server via cable when the wireless

signal in a building is weak. Also, the alternative power connection to the server allows the mobile device to conserve energy when the device is physically close to the server.

As per claims 9 and 37, Fishman does not explicitly teach the optional cable for both power and data transfer between said portable server and said at least one wireless terminal. It is well known in the art a cable can serve different multi-purposes. Hence, it would have been obvious to one of ordinary skill in the art to use a multi-purpose cable to limit the number of cables connected to the server.

Claims 5 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishman in view of Olgaard et al, 6,542,740 (Olgaard hereafter).

As per claims 5 and 35, Fishman discloses wireless terminal is a handheld device (274, fig. 2; cellular phone is a handheld wireless device). Fishman does not explicitly disclose the portable server is a handheld device. It is well known and would have been obvious to one of ordinary skill in the art to use a portable handheld server (e.g., cellular phone) to allow wireless communication between the handheld server and its clients at any location where the portable server is present (see Olgaard disclosure – col. 4, lines 10-12; portable server (102, fig. 1) is a cellular phone).

Claims 4 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Fishman in view of Flom et al, US Pub 2001/0054087 (Flom hereafter).

As per claims 4 and 32, Fishman does not explicitly teach using Bluetooth to transmit data by wireless device. Flom teaches a wireless device using communication

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means such as Bluetooth to transmit data wirelessly (paragraph 0013). Hence, it would have been obvious to one of ordinary skill in the art to use Bluetooth over short-range wireless communications to save on overhead costs.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sopko, 6,003,068; Narayanaswami et al, 6,525,997; Olgaard et al, 6,542,740; Schwartz et al, 6,473,609; Mosseau et al, 6,438,585; McKaughan et al, 5.802.305, Jamtgaard et al, 6,430,624

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack P Nguyen whose telephone number is (571) 272-3945. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jpn

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Dung C. Dinh
Primary Examiner